

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JOHN BONDS,

Plaintiff,

v.

Civil Action No. 1:08CV78
(Judge Keeley)

DR. LARRY WILLIAMSON,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 13, 2008, pro se plaintiff John Bonds ("Bonds") filed a complaint pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to a serious medical need. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation ("R&R") in accordance with 28 U.S.C. § 1915(e) and Local Rule of Prisoner Litigation 83.02. On May 23, 2008, Magistrate Judge Kaul issued an R&R recommending that certain defendants be dismissed, but that Bonds' claims against defendant Dr. Larry Williamson ("Williamson") proceed. Dr. Williamson was served with a copy of the summons and Complaint on June 30, 2008.

On September 19, 2008, after Williamson filed a motion to dismiss, Magistrate Judge Kaul issued a second R&R, recommending that Williamson's motion be granted-in-part and denied-in-part. Bonds did not object to that recommendation, which the Court adopted on October 21, 2008. Williamson then filed an Answer on November 6, 2008, and, on January 21, 2009, he filed a "Motion to Compel and Impose Sanction of Dismissal of Plaintiff's Complaint."

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Kaul issued an Order to Show Cause to Bonds, who failed to respond. Accordingly, on April 10, 2009, he issued a third R&R, which was then followed on April 16, 2009, with an Amended R&R, both recommending that the Court grant Williamson's motion and dismiss the case with prejudice.

The R&R also specifically warned the parties that failure to object to the recommendation would result in the waiver of appellate rights on this issue. Nevertheless, no objections have been filed.¹ Consequently, the Court **ADOPTS** the Amended Report and Recommendation (dkt. no. 37) in its entirety, **DENIES AS MOOT** the R&R issued on April 10, 2009 (dkt. no. 36), **GRANTS** Williamson's motion to Dismiss the Complaint (dkt. no. 33), and **DISMISSES** the case **WITH PREJUDICE** and **ORDERS** it stricken from the Court's docket.

The Court directs the Clerk to transmit a copy of this Order to counsel of record and the pro se plaintiff, return receipt requested.

Dated: May 12, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE

¹ Bonds' failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).